

LEON COUNTY 2007 BOARD OF ADJUSTMENT AND APPEALS (BOAA) ANNUAL REPORT



**Leon County Department of Growth and Environmental Management
Renaissance Center
435 North Macomb Street, 2nd Floor
Tallahassee, Florida 32301-1019
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Date: January 11, 2007

Case No: BOAA-07-001 (LDV0601337)

Applicant: John and Anne Baxter

Property Owner: John and Anne Baxter

Parcel Identification #(s): 14-09-26-O-0040

Request: The applicant is proposing to construct an addition to the rear of a single-family home that would extend approximately 8 feet into the 25 feet rear yard setback requirement.

Case Comments: Official Records Plat Book 12 Page 6, which pertains to the Killearn Commons Phase II Subdivision Plat requires a twenty-five (25) feet rear setback. The subject parcel is located at 2768 Whitmore Court, Tallahassee, Florida.

Decision: The item was presented by Michael Clark, who gave a brief overview of the application. The County mailed twenty four (24) notices and did not receive any response in favor or in opposition to the request. The motion to grant the setback variance passed 5-0.

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Date: March 8, 2007

Case No: BOAA-07-002 (LDV0700160)

Applicant: Richard and Bonnie E. Bevis

Property Owner: Richard and Bonnie E. Bevis

Parcel Identification #(s): 31-01-20-221-000-0

Request: The applicant is requesting a Previously Existing Land Use Conformity (PELUC) Certificate for the site located at, and adjacent to 1120 March Road, Tallahassee, Florida to establish the pre-existing condition of the land use and its eligibility for waiver under Section 10-873 of the Leon County Land Development Code.

Case Comments: Under the current Single-family detached, attached and two-family dwellings (R-3) zoning designation and Urban Residential A (UR) Future Land Use Map designation of the subject parcel, the existing land use is a non-conforming use. The property has been used as a veterinary clinic, including retail sales, at the location prior to July 16, 1990. This meets the PELUC application eligibility date set forth in Section 10-873(1) of the Leon Land Development Code. The applicant intends to remodel structures on-site and construct new kennels which will require securing appropriate permits with the County.

Decision: The item was presented by Michael Clark, who gave a brief overview of the application. The County mailed seventeen (17) notices and received no responses in favor or in opposition to the PELUC request. The motion to grant the PELUC for the applicant's plan of development passed by a 6-0 vote of the Board.

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Date: June 14, 2007

Case No: BOAA-07-003 (LDV0700508)

Applicant: Gary Dunn

Property Owner: Gary Dunn

Parcel Identification #(s): 44-15-64-000-022-0

Request: The applicant is proposing to construct single-family residential home with an attached car garage and a second floor balcony that would extend 8.5 feet into the front setback, 10 feet into the southwest side setback and ten feet into the rear setback requirements.

Case Comments: Section 10-1211 of the Leon County Land Development Code, which pertains to the Lake Talquin Recreation district with Residential Preservation Overlay, states that the principal structure shall maintain a 30 foot front setback, 20 foot side setback and a 50 foot rear setback. The subject parcel is located in Lone Star Camp Unit 4, a recorded subdivision.

Decision: The item was presented by Michael Clark, who gave a brief overview of the application. The County mailed sixteen (16) notices to property owners within 200 feet of the subject property and six (6) notices to applicable Homeowner's Associations. Three (3) responses were received by adjacent property owners in favor of the request. No response either in favor of or in opposition to the variance was received by the Homeowners Association. The motion to grant the PELUC passed 4-0.

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Date: July 12, August 9 and September 13, 2007

Case No: BOAA-07-004 (LDV0700680)

Applicant: Florida Certified Sign Erectors, Inc.

Property Owner: EOC, LLC (Kohl's)

Parcel Identification #(s): 14-15-20-401-000-0

Request: The applicant is proposing approval for an additional wall sign and will exceed the allowable aggregate square footage for signs by approximately 286 square feet. The subject property has one roadway frontage along Thomasville Road, Tallahassee, Florida.

Case Comments: The controlling sections of the Land Development Code (LDC) are Section 10.1811 [10-9.201(a)(2)(b)] of the Leon County Land Development Code (LDC), which pertains to the maximum aggregate surface area allowed for each frontage: two hundred square feet and Section 10.1811 [10-9.201(a)(3)] of the Leon County Land Development Code (LDC), which pertains to the maximum number and placement of signs, one ground sign and one wall sign per frontage..

Decision: The item was presented on July 12, 2007 by Michael Clark but was continued to the August 9, 2007 meeting. The item was presented on August 9, 2007 by Michael Clark and Tony Biblo, who gave a brief overview of the application but was continued to the September 13, 2007 meeting. On September 12, 2007, the applicant formally withdrew the request. On September, 13, 2007 at the Board of Adjustment and Appeal meeting, Michael Clark advised the Board that the variance request was formally withdrawn by the applicant the day prior to the meeting. The County mailed nineteen (19) notices to property owners within 200 feet of the subject property and mailed one (1) notice to applicable Homeowner's Association. One (1) response was received by adjacent property owners and one (1) response received by a Homeowner's Association. Both responses were in opposition to the request.

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Date: August 9, 2007
Case No: BOAA-07-005 (LDV0700781)
Applicant: Capital Engineering and Surveying, Inc
Property Owner: Floyd H. Searcy Estate
Parcel Identification #(s): 47-11-20-004-000-0

Request: The applicant is proposing approval for a Policy 2.1.9 Subdivision for property which is classified as a Culturally Historic site, with portions of the property designated as conservation areas with karst features. The applicant is proposing transferring the lots and density to an adjacent property (47-11-20-048-000-0) owned by Betty Holmes Anthony. The adjacent property (47-11-20-048-000-0) is approved for a Policy 2.1.9 Subdivision. The development would result in thirteen (13) lots.

Case Comments: Section 10-346(a)(3)(i) of the Leon County Land Development Code, which pertains to Environmental Impact Analysis (EIA) and states that verification that all newly proposed lots have sufficient buildable area outside the environmental constraints and special development zone (SDZ) restrictions. Sufficient buildable area shall be considered one-half acre of contiguous area if the site has environmental constraints and/or SDZ restrictions, or the allowable zoning density if there are no site constraints.

Decision: The item was presented by Michael Clark and Tony Biblo, who gave a brief overview of the application. The County mailed sixteen (16) notices to property owners within 200 feet of the subject property and mailed one (1) notice to applicable Homeowner's Association. Two (2) responses were received by adjacent property owners (including Betty Holmes Anthony) in opposition to the request. Additionally, a response was received by County Commissioner Bill Proctor to withdraw the variance request. No response either in favor of or in opposition to the variance was received by the Homeowners Association. The applicant nor a representative was present to speak on behalf of the variance request; therefore, a motion was made to dismiss the variance without prejudice. The motion passed 4-0.

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Date: December 13, 2007

Case No: BOAA-07-007 (LDV0701253)

Applicant: Kurt LaRose

Parcel Identification #(s): 21-10-51-363-1230

Request: The applicant is proposing to construct an approximately 1,650 square foot single-family home with a covered walkway and covered carport that would extend approximately 5 feet (on each side) into the 15 foot side building setback requirement (on each side).

Case Comments: Section 10-6.6169(e) of the Leon County Land Development Code, which pertains to the Minimum Development Standards in the Lake Protection (LP) zoning district, states that the side building setbacks shall be 15 feet. The subject parcel is located in the Plantation of Tallahassee Pecan Co subdivision and is located in the Lake Protection zoning district.

Decision: The item was presented by Sheila Williams, who gave a brief overview of the application. The County mailed eighteen (18) notices and received no response in support or in opposition to the requested variance. The motion to grant the variance passed 4-0.